

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

HOLINESS SCIENCE ORGANIZATION)	CASE NO.	1:18-cv-2928
INC., dba ST. TERESA HOLINESS)		
SCIENCE CHURCH)	JUDGE	
)		
Plaintiff,)	<u>NOTICE OF REMOVAL</u>	
)		
vs.)		
)		
CHURCH MUTUAL INSURANCE)		
COMPANY)		
)		
Defendant.)		

PLEASE TAKE NOTICE THAT pursuant to 28 U.S.C. § 1332 and 28 U.S.C. § 1446, Defendant, Church Mutual Insurance Company (“CMIC”) hereby removes this action to federal court. In support thereof, Defendant states as follows:

1. Jurisdiction over this action is based on the diversity of citizenship under 28 U.S.C. §§ 1332 and 1446 because it is a civil action in which (i) the amount-in-controversy exceeds \$75,000, exclusive of interest and costs; and (ii) there is complete diversity of citizenship between Plaintiff and Defendant. *See* 28 U.S.C. § 1332.

CITIZENSHIP OF THE PARTIES

2. CMIC is the named Defendant in the action captioned Holiness Science Organization Inc., dba St. Teresa Holiness Science Church (“Holiness”) v. Church Mutual Insurance Company pending in the Court of Common Pleas, Cuyahoga County, Ohio Case No. CV 18 907307. A true and accurate copy of the Complaint is attached hereto as Exhibit A.

3. Plaintiff Holiness is a citizen of Ohio. (See Compl.)

4. Defendant CMIC is a citizen of Wisconsin. (See Compl.)

5. Defendant CMIC has its principal place of business in WI and is incorporated in WI, and is, therefore, a citizen of WI.

6. The requirements for diversity of citizenship are satisfied under 28 U.S.C. § 1332(a) because the named Plaintiff and Defendant are citizens of different states.

AMOUNT-IN-CONTROVERSY

7. The amount-in-controversy, exclusive of interest and costs, exceeds \$75,000. Plaintiff's prayer for relief includes claimed damages in excess of \$395,000 plus punitive damages. (Compl., ¶ 30, 34, 39, 44.) While Defendant denies liability, assuming liability were proven, the cost of damages for Count One well exceeds \$75,000, satisfying the amount-in-controversy requirement under 28 U.S.C. § 1332.

PROCEDURAL REQUIREMENTS

8. The Summons and Complaint were served upon Defendant CMIC by FedEx mail on November 27, 2018. Accordingly, this Notice of Removal is timely filed within thirty (30) days of Defendant's receipt of Plaintiff's initial pleading. 28 U.S.C. § 1446(b). No Defendant was properly served prior to November 27, 2018.

9. Pursuant to 28 U.S.C. § 1446(a), Defendant is required to file "a copy of all process, pleadings, and orders served upon" it. No other pleadings have been served to date.

10. Pursuant to 28 U.S.C. § 1446(d), Defendant will promptly notify Plaintiff and the Court of Common Pleas of Cuyahoga County, Ohio of this removal through a Notice of Filing of Notice of Removal, a copy of which is attached hereto as Exhibit B.

11. Defendant reserves all defenses to Plaintiff's Complaint and the claims asserted therein including, without limitation, any defenses available under the Ohio Civil Rule of Procedure 10(D)(2).

WHEREFORE, Defendant CMIC hereby removes this case from the Court of Common Pleas of Cuyahoga County, Ohio to this United States District Court for the Northern District of Ohio, Eastern Division for all further proceedings.

DATED: 12/20/18

Respectfully submitted,

REMINER CO., L.P.A.

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*Attorneys for Defendant Church Mutual Insurance
Company*

CERTIFICATE OF SERVICE

A copy of the foregoing was mailed by regular U.S. mail and electronically on this 20th day of December 2018, to the following:

Harvey Kugelman, Esq.
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